



21st Floor  
1251 Avenue of the Americas  
New York, NY 10020-1104

**Jeremy Chase**  
212-489-8230 tel  
212-489-8340 fax

jeremychase@dwt.com

October 14, 2021

**VIA ECF**

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

***Re: Lyons v. Amazon.com, Inc., 1:21-cv-03785-LGS & 1:21-cv-03786-LGS  
Joint Letter Re Consolidation and Discovery***

Dear Judge Schofield:

Pursuant to Your Honor's October 7, 2021 Order (-3785 Action, Doc. No. 34; -3786 Action, Doc. 24) directing Plaintiff Sara M. Lyons and Defendant Amazon.com, Inc. ("Amazon") to meet and confer on a proposal for the efficient adjudication of the above-referenced cases, the parties jointly submit this proposal in accordance with Your Honor's Order.

The parties agree that for the reasons set forth in the letter requesting a pre-motion conference submitted by counsel for Amazon (-3785 Action, Doc. No. 33; -3786 Action, Doc. 23), that the above-referenced cases, *Lyons v. Amazon.com, Inc.*, 1:21-cv-03785-LGS, and *Lyons v. Amazon.com, Inc.*, 1:21-cv-3786-LGS, should be consolidated pursuant to Federal Rule of Civil Procedure 42(a)(2) for all purposes. The parties agree that common questions of fact and law exist, and that the Court should consolidate these actions to enhance efficiency and expediency, to conserve judicial resources, to avoid the risk of inconsistent outcomes, and because Plaintiff would suffer no prejudice from consolidation.

The only disagreement between the parties on the issue of consolidation is whether Plaintiff should be permitted to pursue two awards of statutory damages – one for each of the above-referenced actions. Plaintiff contends that two statutory damages awards would be permissible following consolidation, while Defendant maintains that multiple statutory damages awards would be impermissible. The parties agree, however, that the Court need not rule on the availability of multiple statutory damages awards in the consolidated action at this time in order to consolidate the actions under Rule 42(a)(2).

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Finally, the parties respectfully request that the Court grant one last extension to complete discovery from November 12, 2021 in the -3785 matter and December 3, 2021 in the -3786 matter to a consolidated date for the close of discovery of January 19, 2022. The parties have been working diligently and cooperatively to address various deficiencies in each side's written discovery and document productions in both matters. However, those negotiations, and the collection and production of additional documents, have required the parties to reschedule depositions originally scheduled for next week. The parties have previously requested one extension of the discovery deadline in the -3785 matter which the Court granted.

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Jeremy A. Chase

Jeremy A. Chase  
jeremychase@dwt.com  
1251 Avenue of the Americas  
New York, New York 10020  
(212) 480-8230

KLARQUIST SPARKMAN, LLP

James E. Geringer  
james.geringer@klarquist.com  
121 S.W. Salmon Street, Suite 1600  
Portland, Oregon 97204  
(503) 595-5300

*Attorneys for Defendant Amazon.com, Inc.*

KUSHNIRSKY GERBER PLLC

By: 

Andrew Gerber  
andrew@kgfirm.com  
27 Union Square West, Suite 301

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New York, NY 10003  
(212) 882-1320


*Attorneys for Plaintiff Sara M. Lyons*

Application **GRANTED**. The cases will be consolidated for all purposes under the case name Lyons v. Amazon.com, Inc., et al., No. 21-cv-3785, and all further filings shall be made under that number. Plaintiff shall inform the court by **October 25, 2021**, whether she intends to file a consolidated complaint or proceed by some other means and any authority for doing so. For the avoidance of doubt, the Court reserves judgment on the issue of damages.

The deadline for fact discovery is extended to **January 19, 2022**. No further extensions will be granted absent extraordinary circumstances. A revised case management plan will issue separately.

The Clerk of Court is respectfully directed to close Lyons v. Amazon.com, et al., No. 21-cv-3786.

Dated: October 15, 2021  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE